

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6164**

**BILL NUMBER:** HB 1031

**NOTE PREPARED:** Nov 12, 2003

**BILL AMENDED:**

**SUBJECT:** Lake Access by an Easement.

**FIRST AUTHOR:** Rep. Pond

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill prohibits, except when granted written permission, constructing or maintaining a pier, a dock, or another structure that blocks or restricts an easement holder's access to or use of a public lake. The bill allows an easement holder to use certain structures that extend from the easement to the shoreline or into a lake. (The introduced version of this bill was prepared by the Natural Resources Study Committee.)

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** With respect to violations, IC 14-26-2-19 provides that the Department of Natural Resources may seek and a court having jurisdiction may grant injunctive relief for the violation. This provision may cause the Department of Natural Resources to incur additional administrative expenses; however, the Department should be able to absorb any additional expense given its current budget and resources.

**Explanation of State Revenues:** A person who violates the above provision commits a Class C infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Natural Resources.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.